

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JUNE
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

-
WRIT PETITION No.21497 of 1996

-
Between:

**A.P.S.R.T.C., rep. by its
Managing Director,
Mushirabad, Hyderabad.**

..... PETITIONER

AND

**1.The Joint Transport Commissioner
and Secretary, Regional Transport Authority,
Hyderabad, rep. by its Secretary, and another.**

.....RESPONDENTS

-
The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice S.Ananda Reddy

-
Writ Petition No.21497 of 1996

-
Order: *(per the Hon'ble Sri Justice Bilal Nazki)*

Heard the learned Counsel for the parties.

The petitioner-APSRTC plies vehicles both as stage carriage and as contract carriage under the approved Act and scheme. It is not disputed that the permits have been obtained by the petitioner to ply the vehicles mostly as stage carriage and one or two trips as contract carriage.

The respondents are of the view that the rate of tax to contract carriages is higher than the rate of tax to stage carriages. Therefore, in many cases, show cause notices were issued and final assessment orders were passed.

In the present case, a demand notice was issued to the petitioner on 10-04-1992 and the same was confirmed by the first respondent *vide* order dated 17-06-1992.

Similar matters came up for consideration before this Court in various judgments and one of them being ***Depot Manager, APSRTC, Hyderabad vs. Transport Commissioner, A.P., Hyderabad and others***^[1]. This Division Bench Judgment was followed later on by another judgment in W.P.No.9015 of 1996, dated 28-01-2005. There is no reason not to follow the judgments passed by the two Division Benches of this Court. The learned Counsel for the parties have also agreed that the matter is covered by these two judgments.

Following the judgments cited *supra*, we allow the Writ Petition and quash the impugned demand notice issued by the second respondent. No costs.

J)

7TH June, 2007

(Bilal Nazki,

Reddy, J)

(S.Ananda

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[\[1\]](#) 1998 (3) ALD 424 (DB)